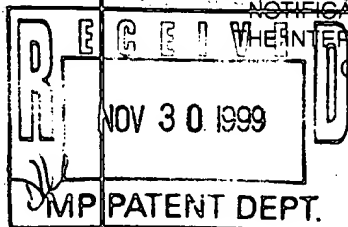


PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PTO/PCT Rec'd 19 JAN 20 1999

To:
WARNER-LAMBERT COMPANY
Attn. RYAN, M. A.
201 Tabor Road
Morris Plains, New Jersey 07950
UNITED STATES OF AMERICA



NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT
 OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference
5950-01-CA

Date of mailing
 (day/month/year) **24/11/1999**

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US 99/15385

International filing date
 (day/month/year) **08/07/1999**

Applicant

WARNER-LAMBERT COMPANY et al.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland
 Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

- ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.


4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentaan 2
 NL-2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Express Mail No. EJ707278230US
PD-5950-01-CA

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISPC 220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)".

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 5950-01-CA	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 99/ 15385	International filing date (day/month/year) 08/07/1999	(Earliest) Priority Date (day/month/year) 30/09/1998

Applicant

WARNER-LAMBERT COMPANY et al.

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2.



Certain claims were found unsearchable (See Box I).

3.



Unity of invention is lacking (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/15385

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/215 A61K31/40 A61K31/19 A61K31/225

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 95 13063 A (MERCK & CO INC ;BRIGHAM & WOMENS HOSPITAL (US); UNIV EMORY (US)) 18 May 1995 (1995-05-18) *cf. abstract, page 4, lines 15-35, page 5, lines 22-25, claim 1* ---	1-10
X	WO 98 01100 A (TOBERT JONATHAN A ;MERCK & CO INC (US); MITCHEL YALE B (US)) 15 January 1998 (1998-01-15) *cf. abstract, page 4, lines 13-16, page 5, lines 1-5* ---	1-10
X	WO 97 16184 A (WARNER LAMBERT CO ;BOCAN THOMAS M A (US)) 9 May 1997 (1997-05-09) *cf. abstract, page 3, lines 12-25, table i on page 11* --- -/--	1-10



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

28 October 1999

Date of mailing of the international search report

24/11/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Stoltner, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 99/15385

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 97 35576 A (MAN ABRAHAM ;ROTH ARIE (IL); STERN NAFTALI (IL); LANIADO SHLOMO (I) 2 October 1997 (1997-10-02) *cf. page 9, lines 18-23, page 10, lines 3-6, claims 1-7* ---	1-10
P,X	WO 99 30704 A (WARNER LAMBERT CO ;BISGAIER CHARLES LARRY (US); NEWTON ROGER SCHOF) 24 June 1999 (1999-06-24) *cf. abstract, page 2 bridging with page 3, "Summary of the invention"* ---	1-10
X	US 5 648 387 A (BISGAIER CHARLES LARRY ET AL) 15 July 1997 (1997-07-15) cited in the application *cf. col. 1 lines 1-12, lines 65 bridging with col. 2, lines 1-35, "summary of the invention"* ---	1-10
X	MCCORMICK LISA S., ET AL.: "Rationale, design, and baseline characteristics of a trial comparing aggressive lipid lowering with atorvastatin versus revascularization treatments" AM. JOUR. OF CARDIOL., vol. 80, no. 9, 1 November 1997 (1997-11-01), pages 1130-1133, XP002120664 *cf. abstract, discussion on page 1132* -----	1-10

INTERNATIONAL SEARCH REPORT

Information on patent family member

International Application No

PCT/US 99/15385

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9513063	A	18-05-1995	AU 1095695 A	29-05-1995
WO 9801100	A	15-01-1998	AU 3667297 A	02-02-1998
			AU 4228997 A	02-02-1998
			AU 4326197 A	02-02-1998
			WO 9801119 A	15-01-1998
			WO 9801116 A	15-01-1998
WO 9716184	A	09-05-1997	AU 7253996 A	22-05-1997
			BG 102417 A	29-01-1999
			BR 9611410 A	05-01-1999
			CA 2233558 A	09-05-1997
			CN 1201389 A	09-12-1998
			CZ 9801271 A	16-12-1998
			EP 0858336 A	19-08-1998
			NO 981961 A	04-05-1998
			PL 326365 A	14-09-1998
WO 9735576	A	02-10-1997	AU 2228297 A	17-10-1997
WO 9930704	A	24-06-1999	AU 1591599 A	05-07-1999
US 5648387	A	15-07-1997	AU 692359 B	04-06-1998
			AU 4776896 A	16-10-1996
			BG 101993 A	29-05-1998
			CA 2215233 A	03-10-1996
			CN 1182415 A	20-05-1998
			CZ 9702922 A	14-10-1998
			EP 0820428 A	28-01-1998
			FI 973713 A	24-09-1997
			HU 9801825 A	28-12-1998
			JP 11502532 T	02-03-1999
			NO 974397 A	20-11-1997
			NZ 302170 A	29-04-1999
			PL 322407 A	19-01-1998
			SK 128697 A	11-02-1999
			WO 9630328 A	03-10-1996
			US 5750569 A	12-05-1998
			US 5783600 A	21-07-1998
			US 5756544 A	26-05-1998
			ZA 9602275 A	30-09-1996

PATENT COOPERATION TREATY

REC'D 11 JAN 2001

RECEIVED

PCT

WIPO

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD-5950-01-CA	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/15385	International filing date (day/month/year) 08/07/1999	Priority date (day/month/year) 30/09/1998
International Patent Classification (IPC) or national classification and IPC A61K31/215		
Applicant WARNER-LAMBERT COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 17/03/2000	Date of completion of this report 08.01.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Stoltner, A Telephone No. +49 89 2399 8408 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/15385

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-25 as originally filed

Claims, No.:

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/15385

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1-10.
see separate sheet

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 1-10 (relating to a method of treatment).

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims
	No:	Claims 1-10
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-10

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/15385

Industrial applicability (IA)	Yes:	Claims	1-10 (except for some contracting states within the PCT)
	No:	Claims	

2. Citations and explanations
see separate sheet

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/15385

ad section III:

- 1). Claims 1-10 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67(iv) of the PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Art. 34(4)(a)(i) PCT).

ad section V:

- 1). The present application concerns the use of statins and other cholesterol lowering agents for the prevention of catheter-based revascularization in patients.
- 2). The following documents are considered with respect to the present application:
 - D1, WO-A-9 513 063, discloses the use of HMG-CoA reductase inhibitors for lowering LDL cholesterol levels in order to restore the activities of the vascular endothelial tissues (cf. abstract, page 4, lines 15-35, page 5, lines 12-27 and page 6, lines 4-15).
 - D2, WO-A-9 801 100, discloses the treatment of hypercholesterolemia with HMG-CoA reductase inhibitors like simvastatin alone or in combination with other LDL cholesterol lowering agents (cf. abstract, page 4, lines 10-24 and page 5, lines 1-5).
 - D3, WO-A-9 716 184, discloses compositions for the regulation of LDL cholesterol levels leading to a less atherogenic lipoprotein profile in the vascular system (cf. abstract, page 3, lines 12-25 and table I on page 11).
 - D4, WO-A-9 735 576, discloses a method for decreasing the LDL/HDL cholesterol ratio by administering hypolipidemic drug compositions falling into the scope of the present application (cf. abstract, page 9, lines 18-23 and claims 1-7).
 - D5, WO-A-9 930 704, discloses statin-carboxyalkylether combinations inhibiting HMG-CoA reductase activity in the treatment of vascular diseases (cf. abstract, page 1, lines 9-19, page 19, 1st para., claims 1-4).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/15385

D6, US-A-5 648 387, referred to in the application, provides dialkyl ethers for lowering nocive plasma lipids including LDL cholesterol (cf. col. 1, first para., lines 26-66 and col. 2, lines 1-35). The compounds depicted in D6 have the object to prevent from restenosis following balloon angioplasty and clearly anticipate those claimed in the present application.

D7, Am. Jour. Cardiology, 80(9), 1/11/97, pp. 1130-1133, McCormick, L. S. et al., balances the treatment with aggressive lipid-lowering therapy using atorvastatin alternatively to angioplasty or other catheter-based revascularization procedures (cf. abstract) stressing the growing importance of the potential benefit of lipid-lowering therapy.

- 3). With regard to the above cited documents, cholesterol lowering agents able to prevent or to delay catheter-based revascularization are widely known in the prior art. The subject-matter of the present application as laid down in the present set of claims is clearly anticipated by the teaching of the documents listed above. As consequence the requirements of Arts. 33(2) and 33(3) of the PCT are not met.
- 4). For the assessment of the present claims 1-10 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

ad section VI:

WO-A-99 30704, filed on 20/11/98, enjoying the priority date of 12/12/97 and with the publication date of 24/6/99;

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/15385

ad section VIII:

- 1). A "method for preventing or delaying catheter-based revascularization in patients" as set out in claim 1 cannot be considered a disease which has to be treated. This term rather has to be construed an attempt to define the invention by the result to be achieved. Rather, the catheter-based revascularization is one of the remedies to be applied to vascular disorders resulting from exceeding levels of damaging plasma lipids like LDL cholesterol. The object of claim 1 consequently encompasses methods for preventing high levels of the detrimental LDL cholesterol in a patient. With a controlled LDL cholesterol level, a catheter-based revascularization procedure is no more necessary.